

From: Eric Ellsworth
To: Microsoft ATR
Date: 1/23/02 8:36pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I am writing to inform you of my strong opposition to the current terms of the Proposed Final Judgement against Microsoft. It lacks the necessary clarity of language and completeness of remedy to prevent Microsoft from continuing to abuse its monopoly.

Of particular concern to me are the following:

- Language permitting Microsoft to retaliate against OEMs who include other operating systems, and do or do not choose to license Windows. This kind of retaliation would be meaningless unless Microsoft controlled the OS market, and is an abuse of MS' monopoly. Such retaliation should be forbidden explicitly in the judgement.
- The settlement includes no remedy for Microsoft's practice of partially publishing APIs. As these APIs are undocumented, or worse classified as trade secrets, Microsoft leverages its position as the OS maker to modify APIs, frequently making it impossible for competitors to bring a competing product to market. In order to have any semblance of a competitive market, the APIs must be clearly documented. This requires direct oversight, rather than continued promises of good behavior. The settlement fails to require Microsoft to fully and comprehensibly disclose ALL its APIs to other software vendors, including those for .Net software, and thus is extremely limited.

As computers are becoming an increasingly important way the American citizenry gets information and conducts its business, it is vital that the market for software and services remain competitive.

Please do not accept the settlement as it stands, for it does not address Microsoft's abuse of its monopoly.

Sincerely,

Eric Ellsworth
Seattle, WA